



House of Representatives

General Assembly

File No. 323

January Session, 2013

House Bill No. 6033

House of Representatives, April 3, 2013

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING MOTOR VEHICLE INSURANCE PROVIDERS AND DISTRACTED DRIVING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-296aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) For purposes of this section, the following terms have the
4 following meanings:

5 (1) "Mobile telephone" means a cellular, analog, wireless or digital
6 telephone capable of sending or receiving telephone communications
7 without an access line for service.

8 (2) "Using" or "use" means holding a hand-held mobile telephone to,
9 or in the immediate proximity of, the user's ear.

10 (3) "Hand-held mobile telephone" means a mobile telephone with
11 which a user engages in a call using at least one hand.

12 (4) "Hands-free accessory" means an attachment, add-on, built-in
13 feature, or addition to a mobile telephone, whether or not permanently
14 installed in a motor vehicle, that, when used, allows the vehicle
15 operator to maintain both hands on the steering wheel.

16 (5) "Hands-free mobile telephone" means a hand-held mobile
17 telephone that has an internal feature or function, or that is equipped
18 with an attachment or addition, whether or not permanently part of
19 such hand-held mobile telephone, by which a user engages in a call
20 without the use of either hand, whether or not the use of either hand is
21 necessary to activate, deactivate or initiate a function of such
22 telephone.

23 (6) "Engage in a call" means talking into or listening on a hand-held
24 mobile telephone, but does not include holding a hand-held mobile
25 telephone to activate, deactivate or initiate a function of such
26 telephone.

27 (7) "Immediate proximity" means the distance that permits the
28 operator of a hand-held mobile telephone to hear telecommunications
29 transmitted over such hand-held mobile telephone, but does not
30 require physical contact with such operator's ear.

31 (8) "Mobile electronic device" means any hand-held or other
32 portable electronic equipment capable of providing data
33 communication between two or more persons, including a text
34 messaging device, a paging device, a personal digital assistant, a
35 laptop computer, equipment that is capable of playing a video game or
36 a digital video disk, or equipment on which digital photographs are
37 taken or transmitted, or any combination thereof, but does not include
38 any audio equipment or any equipment installed in a motor vehicle for
39 the purpose of providing navigation, emergency assistance to the
40 operator of such motor vehicle or video entertainment to the
41 passengers in the rear seats of such motor vehicle.

42 (b) (1) Except as otherwise provided in this subsection and
43 subsections (c) and (d) of this section, no person shall operate a motor

44 vehicle upon a highway, as defined in section 14-1, while using a
45 hand-held mobile telephone to engage in a call or while using a mobile
46 electronic device while such vehicle is in motion. An operator of a
47 motor vehicle who types, sends or reads a text message with a hand-
48 held mobile telephone or mobile electronic device while such vehicle is
49 in motion shall be in violation of this section, except that if such
50 operator is driving a commercial motor vehicle, as defined in section
51 14-1, such operator shall be charged with a violation of subsection (e)
52 of this section.

53 (2) An operator of a motor vehicle who holds a hand-held mobile
54 telephone to, or in the immediate proximity of, his or her ear while
55 such vehicle is in motion is presumed to be engaging in a call within
56 the meaning of this section. The presumption established by this
57 subdivision is rebuttable by evidence tending to show that the
58 operator was not engaged in a call.

59 (3) The provisions of this subsection shall not be construed as
60 authorizing the seizure or forfeiture of a hand-held mobile telephone
61 or a mobile electronic device, unless otherwise provided by law.

62 (4) Subdivision (1) of this subsection shall not apply to: (A) The use
63 of a hand-held mobile telephone for the sole purpose of
64 communicating with any of the following regarding an emergency
65 situation: An emergency response operator; a hospital, physician's
66 office or health clinic; an ambulance company; a fire department; or a
67 police department, or (B) any of the following persons while in the
68 performance of their official duties and within the scope of their
69 employment: A peace officer, as defined in subdivision (9) of section
70 53a-3, a firefighter or an operator of an ambulance or authorized
71 emergency vehicle, as defined in section 14-1, or a member of the
72 armed forces of the United States, as defined in section 27-103, while
73 operating a military vehicle, or (C) the use of a hand-held radio by a
74 person with an amateur radio station license issued by the Federal
75 Communications Commission, or (D) the use of a hands-free mobile
76 telephone.

77 (c) No person shall use a hand-held mobile telephone or other
78 electronic device, including those with hands-free accessories, or a
79 mobile electronic device while operating a moving school bus that is
80 carrying passengers, except that this subsection shall not apply to (1) a
81 school bus driver who places an emergency call to school officials, or
82 (2) the use of a hand-held mobile telephone as provided in
83 subparagraph (A) of subdivision (4) of subsection (b) of this section.

84 (d) No person under eighteen years of age shall use any hand-held
85 mobile telephone, including one with a hands-free accessory, or a
86 mobile electronic device while operating a moving motor vehicle on a
87 public highway, except as provided in subparagraph (A) of
88 subdivision (4) of subsection (b) of this section.

89 (e) No person shall type, read or send text or a text message with or
90 from a mobile telephone or mobile electronic device while operating a
91 commercial motor vehicle, as defined in section 14-1, except for the
92 purpose of communicating with any of the following regarding an
93 emergency situation: An emergency response operator; a hospital;
94 physician's office or health clinic; an ambulance company; a fire
95 department or a police department.

96 (f) Except as provided in subsections (b) to (e), inclusive, of this
97 section, no person shall engage in any activity not related to the actual
98 operation of a motor vehicle in a manner that interferes with the safe
99 operation of such vehicle on any highway, as defined in section 14-1.

100 (g) Any law enforcement officer who issues a summons for a
101 violation of this section shall record on such summons the specific
102 nature of any distracted driving behavior observed by such officer.

103 (h) Any person who violates this section shall be fined one hundred
104 [twenty-five] fifty dollars for a first violation, [two hundred fifty] three
105 hundred dollars for a second violation and [four] five hundred dollars
106 for a third or subsequent violation.

107 (i) An operator of a motor vehicle who commits a moving violation,

108 as defined in subsection (a) of section 14-111g, while engaged in any
109 activity prohibited by this section shall be fined in accordance with
110 subsection (h) of this section, in addition to any penalty or fine
111 imposed for the moving violation.

112 (j) The state shall remit to a municipality twenty-five per cent of the
113 fine amount received for a violation of this section with respect to each
114 summons issued by such municipality. Each clerk of the Superior
115 Court or the Chief Court Administrator, or any other official of the
116 Superior Court designated by the Chief Court Administrator, shall, on
117 or before the thirtieth day of January, April, July and October in each
118 year, certify to the Comptroller the amount due for the previous
119 quarter under this subsection to each municipality served by the office
120 of the clerk or official.

121 (k) A record of any violation of this section shall appear on the
122 driving history record or motor vehicle record, as defined in section
123 14-10, of any person who commits such violation, and the record of
124 such violation shall be available to any motor vehicle insurer in
125 accordance with the provisions of section 14-10.

126 Sec. 2. Section 14-137a of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective October 1, 2013*):

128 The Commissioner of Motor Vehicles shall adopt regulations in
129 accordance with the provisions of chapter 54, setting forth the number
130 of points chargeable against the owner of an operator's license for
131 conviction of any violation of the motor vehicle laws deemed
132 appropriate by the commissioner for the assessment of such points.
133 Such regulations shall provide specific information as to the number of
134 points assessed for the conviction of each specified violation, the total
135 number of points which, in a period of time specified by the
136 commissioner, shall require a hearing before the commissioner or
137 permit automatic suspension without prior hearing, and the period of
138 time during which any such suspension shall extend. Such regulations
139 shall provide that (1) not less than two points shall be assessed for
140 conviction of a violation of subsection (d) of section 14-100a, (2) not

141 more than one point shall be assessed for conviction of a violation of
142 section 14-219 and (3) no points shall be assessed for an infraction or
143 any violation specified in subsection (b) of section 51-164n for which
144 the person sends payment of the fine and any additional fees or costs
145 established for such infraction or violation to the Centralized
146 Infractions Bureau in accordance with the provisions of subsection (c)
147 of section 51-164n, except not less than one point shall be assessed for
148 any violation of section 14-296aa, as amended by this act. If such
149 regulations provide for participation in a driver improvement course
150 or system for the owner of an operator's license, the commissioner may
151 charge a fee of fifty dollars for registration for such course or system.

152 Sec. 3. (*Effective from passage*) (a) There is established a task force to
153 study issues concerning the prevention of distracted driving in the
154 state. Such task force shall (1) evaluate the effectiveness of existing
155 laws prohibiting distracted driving, (2) examine distracted driving
156 enforcement, (3) consider any federal efforts to prevent distracted
157 driving, (4) consider any distracted driving efforts in other states, and
158 (5) develop recommendations, including any necessary legislative
159 changes, to prevent distracted driving in Connecticut.

160 (b) The task force shall consist of the following members:

161 (1) Two appointed by the speaker of the House of Representatives;

162 (2) Two appointed by the president pro tempore of the Senate;

163 (3) One appointed by the majority leader of the House of
164 Representatives;

165 (4) One appointed by the majority leader of the Senate;

166 (5) One appointed by the minority leader of the House of
167 Representatives;

168 (6) One appointed by the minority leader of the Senate;

169 (7) The Commissioner of Motor Vehicles, or the commissioner's

170 designee; and

171 (8) The Commissioner of Transportation, or the commissioner's
172 designee.

173 (c) Any member of the task force appointed under subsection (b) of
174 this section may be a member of the General Assembly.

175 (d) All appointments to the task force shall be made not later than
176 thirty days after the effective date of this section. Any vacancy shall be
177 filled by the appointing authority.

178 (e) The speaker of the House of Representatives and the president
179 pro tempore of the Senate shall select the chairpersons of the task force
180 from among the members of the task force. Such chairpersons shall
181 schedule the first meeting of the task force, which shall be held not
182 later than sixty days after the effective date of this section.

183 (f) The administrative staff of the joint standing committee of the
184 General Assembly having cognizance of matters relating to
185 transportation shall serve as administrative staff of the task force.

186 (g) Not later than January 1, 2014, the task force shall submit a
187 report on its findings and recommendations to the joint standing
188 committee of the General Assembly having cognizance of matters
189 relating to transportation, in accordance with the provisions of section
190 11-4a of the general statutes. The task force shall terminate on the date
191 that it submits such report or January 1, 2014, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	14-296aa
Sec. 2	<i>October 1, 2013</i>	14-137a
Sec. 3	<i>from passage</i>	New section

TRA *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Revenue Gain	641,000	641,000
Legislative Mgmt.	GF - Potential Cost	Less than 1,000	None

Municipal Impact: None

Explanation

The bill results in an anticipated revenue gain of \$641,000 to the General Fund due to an increase of the fines for driving while operating a cell phone. The bill increases the fine for a first violation from \$25 to \$50, a second violation from \$250 to \$300 and a third or subsequent violation from \$400 to \$500. In FY 12 there were 22,752 first violations, 344 second offenses, and 550 third and subsequent violations.

The bill also results in a cost of less than \$1,000 to agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

The bill also requires the commissioner of the Department of Motor Vehicles to record any violation under the provisions of the bill on a violators driving history. This provision is conforming to current practice and has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**HB 6033*****AN ACT CONCERNING MOTOR VEHICLE INSURANCE PROVIDERS AND DISTRACTED DRIVING.*****SUMMARY:**

This bill:

1. increases the fines for violating the ban on driving while operating a cell phone, texting, or engaging in any activity that interferes with a vehicle's safe operation;
2. requires that the record of such a violation appear in the violator's driving history or motor vehicle record and be made available to motor vehicle insurers; and
3. requires the motor vehicles (DMV) commissioner to assess at least one point against the driver's license of a driver who violates the law. It creates a task force to study distracted driving issues and report to the Transportation Committee by January 1, 2014.

EFFECTIVE DATE: October 1, 2013, except the task force provision is effective upon passage.

INCREASED FINES

The bill increases the fines for a first violation from \$125 to \$150; for a second violation, from \$250 to \$300; and for subsequent violations, from \$400 to \$500.

MOTOR VEHICLE INSURERS

By law, motor vehicle insurers have access to motor vehicle records and personal information in connection with the investigation of claims arising under insurance policies, antifraud activities, rating, or

underwriting (CGS § 14-10 (d) and (f) (2) (E)).

TASK FORCE

Mission

The task force must (1) evaluate the effectiveness of existing distracted driving laws; (2) examine enforcement of those laws; (3) consider distracted driving measures taken by the federal government and other states; and (4) make recommendations, including legislation, to prevent distracted driving in the state.

The task force terminates on the date it submits its report to the Transportation Committee or January 1, 2014, whichever is later.

Membership

The task force has 10 members, including the commissioners of motor vehicles and transportation, or their designees. The other members are appointed as follows:

1. two by the House speaker,
2. two by the Senate president pro tempore,
3. one by the House majority leader,
4. one by the House minority leader,
5. one by the Senate majority leader, and
6. one by the Senate minority leader.

Task force members may include legislators. Appointments must be made no later than 30 days after the bill takes effect. Any vacancy must be filled by the appointing authority.

The House speaker and Senate president pro tempore must select the task force chairpersons from among task force members. (The bill does not specify the number of chairpersons.) The chairpersons must hold the task force's first meeting within 60 days after the bill takes effect. The task force is staffed by the Transportation Committee's

administrative staff.

BACKGROUND

Point System

State regulations allow the motor vehicles commissioner to suspend the license of a driver who accumulates 11 or more points on his or her driving record. DMV regulations assign between one and five points to various motor vehicle violations, ranging from one point for operating at an unreasonable speed to five points for negligent homicide with a motor vehicle (Conn. Agency Regs. § 14-137a-5 *et seq.*). Points remain on a driver's record for two years from the date they are assessed.

Related Bills

sSB 975, reported favorably by the Transportation Committee, specifies that the ban on using hand-held cell phones while driving applies when a vehicle is temporarily stopped because of traffic, road conditions, or traffic control signs or signals.

sHB 6495, reported favorably by the Transportation Committee, adds using a hand-held cell phone or other electronic device while driving a commercial motor vehicle to those offenses considered a serious traffic violation.

HB 5250, reported favorably by the Transportation Committee, doubles the penalty for drivers who violate the cell phone ban in highway work zones.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 32 Nay 2 (03/15/2013)